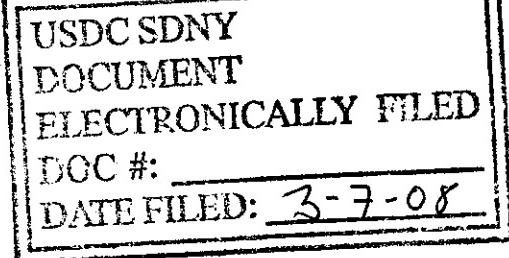


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MELISSA ALMANZAR, et al., :



Plaintiff, : 07 Civ. 3894 (LTS) (HBP)

-against- : ORDER

THOMAS HANKA, et al., :

Defendant. :

-----X

PITMAN, United States Magistrate Judge:

I write to address the issues raised in counsel's letters dated March 4 and March 6, 2008.

Because defendants have served answers, Kelvin Almanzar can no longer unilaterally withdraw his claims. Fed.R.Civ.P. 41. In the absence of either a stipulation signed on behalf of all parties or a court order, Kelvin Almanzar continues to be a party in this action, regardless of his intent. Similarly, under Local Civil Rule 1.4, Akin & Smith, LLC continue as counsel for Kelvin Almanzar in the absence of a court order relieving them.

Since Mr. Almanzar remains a party in this action, he must comply with my outstanding discovery order or be subject to sanctions.

Finally, counsel are reminded that the correct docket number in this matter is 07 Civ. 3894, it is not 3897. Filing

papers with the wrong docket number will only lead to delay and confusion.

Dated: New York, New York
March 7, 2008

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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